

### REMARKS

In the Office Action dated August 21, 2008, claims 1-25 were examined with the result that all claims were rejected. In response, Applicant has rewritten claim 16. In view of the above amendments and following remarks, reconsideration of this application is requested.

In the Office Action, the Examiner first objected to claims 16-25 under 37 CFR 1.75(c) as being in improper form because of a multiple dependency contained in claim 16 as filed. In response, Applicant has amended claim 16 so as to be dependent only upon claim 1. Applicant believes this amendment obviates the objection to claim 16, as well as claims 17-25 which depend from claim 16.

With regard to the Examiner's comments that claims 16-20 have not been treated on the merits, Applicant believes claims 16-25 will stand or fall with the arguments for patentability made herein with respect to claim 1. The "sheeting system" claimed in claim 16 is a combination of the cover of claim 1 and means for securing the cover. Therefore, it appears that overcoming the rejection of claims 1-15 should also result in allowance of claims 16-25, as amended herein.

In the Office Action, claims 1-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Richard et al U.S. 4,050,734. Applicant, however, respectfully disagrees for the following reasons.

Richard describes a fabric sheeting cover 30 for a goods container 10 having an open top 14 of rectangular horizontal cross-section. The cover 30 comprises a generally rectangular main area for covering the open top of the container and has two opposed side edges 20, 22. A triangular side flap 32a extends from each side edge of the main area of the cover.

Contrary to the assertion made by the examiner, it is clear that Richard does not disclose all of the features of claim 1. To illustrate the novelty and unobviousness of the claimed invention over Richard, claim 1 of this application is set out below but broken into its components (*in italics*), together with a consideration of the relevance of Richard to each component:

- (i) *A fabric sheeting cover for a goods container having an open top of rectangular horizontal cross-section, said cover comprising:*

*- a generally rectangular main area for covering the open top of the container and having two opposed side edges;*

The cover 30 disclosed in Richard comprises a generally rectangular main area having two opposed sides 20, 22, for covering the open top 14 of a container 10, as defined in claim 1 of this application.

(ii) *- a pair of generally triangular side flaps extending one from each of the two opposed side edges of the main area,*

The cover 30 described in Richard includes a pair of triangular side flaps (side skirts) 32 (Figure 1), 32b (Figure 10) and 164 (Figure 17) which extend from each of the opposed side edges 20, 22 of the main area, as required by claim 1 of this application.

(iii) *each side flap being movable with respect to the main area between a folded position where the flap overlies the main area and a deployed position where the side flap extends substantially at right angles to the main area;*

Though the embodiments of Figures 1, 10 and 17 of Richard do have generally triangular side flaps, these side flaps are **not capable** of overlying the main area of the cover. In the Figure 1 embodiment, the side flaps 32 are fixedly attached to the container front wall 24. In the Figure 10 embodiment, the side flaps 32b are connected to the L-shaped track 110 by a pulley follower 106, to run along the track as shown in Figures 10 and 12. In the Figure 17 embodiment, the side flaps 164 are connected to a pivotal member 166. In each of these embodiments, folding of the side flaps to overlie the main area of the cover is positively **prevented**. The side flaps 32, 32b and 164 **do not** and **cannot** overlie the main area at any time and in particular when the cover is stowed. For example, as shown in Figures 2 and 6, the side flaps hang outwardly from the stowed main area of the cover. In all embodiments, the side flaps of Richard are permanently deployed, they **do not** and **cannot** be folded to overlie the main area but are merely compressed when the cover is

stowed by rolling, as a result of those flaps being connected to the main cover area. Thus the side flaps of Richard do not satisfy the limitation in claim 1 of this application, in that these flaps are **not movable** with respect to the main area between a folded position where the flaps overlie the main area and a deployed position where the side flaps extend substantially at right angles to the main area. As a result, Richard **does not** anticipate or render obvious claim 1 of this application.

- (iv) - *elastic members connecting the side flaps to the main area of the cover and arranged to pull the side flaps to their folded positions;*

The examiner considers the elastic members 114 in Richard (Figure 10) to be equivalent to the elastic members of this application. The elastic members 114 **do not** connect to the side flaps 32b but connect exclusively to the main area of the cover. These elastic members 114 serve merely to maintain tautness of the main area and prevent droop in the central region thereof, when the cover is deployed. This is described in Richard column 5, lines 21 to 26. The elastic members 114 **do not connect** to the side flaps and thus **cannot pull** the side flaps to a folded position. In any event and as discussed above, the side flaps of Richard are not capable of assuming a folded position as defined in this application. The cover of Richard **does not** include elastic members which **connect** the side flaps to the main area of the cover and which are arranged to pull the side flaps to their folded positions as defined in claim 1 of this application, and thus for this additional reason Richards **does not** anticipate or render obvious claim 1.

- (v) - *pull-means for each side flap and arranged when tension is applied thereto to unfold the respective side flap against the bias provided by the elastic members thereby to move the side flap to its deployed position;*

The examiner considers the follower 106 in Richard to be equivalent to the pull-means of this application. Each side flap 32b is connected to a follower 106 which runs along the track 110 when the cover is deployed. The side flaps 32b of Richard are permanently

deployed - they **do not fold** or unfold but are simply free to hang when the cover is stowed, and are stretched out when the cover is deployed. As discussed above, Richard **does not** have elastic members as defined in claim 1 of this application. The side flaps of Richard **do not** have pull-means arranged when tension is applied to unfold the respective side flap against the bias provided by the elastic members thereby to move the side flap to its deployed position, as thus cannot be considered to anticipate or render obvious claim 1 of this application.

- (vi) - *tie-down means for each flap, arranged to allow the securing thereof in its deployed position.*

The examiner believes that the track 110 in Richard serves as tie-down means for the side flaps 32b. Tracks 110 **cannot** be considered as tie-down means – they are merely tracks mounted on the side of the container, along which the follower 106 is guided. Deployment of the Richard cover is effected by movement of the roller 38b, which in turn causes the side flaps 32b to be stretched. The side flaps of Richard are always in a deployed state, with each being fixed to the follower 106 – tie-down means to secure the side flaps in a deployed position are therefore **not required**. The side flaps of Richard **do not** have tie-down means arranged to allow the securing thereof in its deployed position, and thus **does not** anticipate or render obvious claim 1 of this application.

In summary, the side flaps 32b of Richard are permanently deployed – they **do not** and **cannot fold** to overlie the main area but compress or stretch as the main area of the cover is stowed or deployed respectively. The cover of Richard **does not** have elastic members which connect the side flaps to the main area of the cover and as such the side flaps **cannot** be unfolded against a bias provided by the elastic members. As such, Richard does not anticipate or render obvious claim 1 of this application.

It has been shown that the invention as claimed in claim 1 is novel and unobvious over Richard. Since claims 2 to 15 are either dependant directly or indirectly on claim 1, all of these claims are allowable as they stand.

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It will be appreciated that claim 1 of this application defines subject matter which is inventive over the disclosures in Richard. With Richard, the side flaps remain exposed despite the cover being rolled up in a stowed position. The side flaps will therefore be susceptible to rapid deterioration due to exposure to the elements. There is also an increased likelihood of snagging of the side flaps when the cover is being stowed or deployed, or even when the container is being driven when the cover is stowed. As the side flaps of Richard are exposed when stowed, there is an enhanced possibility of damage to the side flaps when the container is being loaded.

The cover of this application provides a solution to the problems of damage to sheeting cover side flaps by providing elastic members which pull the side flaps to a folded position where they overlie the main area of the cover. In this folded position, the side flaps of the present invention may be safely wound onto the roller along with the main area of the cover, and thus safely stowed away with the main area of the cover.

In summary, the stance adopted by the examiner to the effect that claims 1 to 15 are anticipated or rendered obvious by Richard cannot be sustained, for the reasons discussed in detail above. Having regard to all of the foregoing, it is requested that the examiner reconsider the objections and favorable reconsideration of the application is solicited.

An effort has been made to place this application into condition for allowance and such action has been earnestly requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas M. Wozny".

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